

I/419336/2022

Government of West Bengal  
Labour Department, I. R. Branch  
N. S. Building, 12<sup>th</sup> Floor, 1, K.S. Roy Road, Kolkata – 700001

No. Labr./ 642 /(LC-IR)/22015(16)/36/2023

Date : 26/07/2023

ORDER

WHEREAS an industrial dispute existed between M/s Himalaya Wellness Company, C/o Sinha Coal Storage, Alampur, National Highway - 6, Near Indian Oil Petrol Pump. Howrah - 711302 and its workman Shri Saptadip Kundu, S/o Shri Raj Kumar Kundu, Raj Mahal Road, Maheshmati, P.S.- English Bazar, Dist.- Malda, Pin - 732101 regarding the issues being a matter specified in the second schedule of the Industrial Dispute act, 1947 (14 of 1947);

AND WHEREAS the workman has filed an application directly under sub-section 2 of Section 2A of the Industrial Dispute act, 1947 (14 of 1947) to the Second Industrial Tribunal specified for this purpose under this Department Notification No. 101- IR dated 2.2.12;

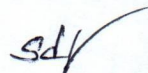
AND WHEREAS the said Second Industrial Tribunal has submitted to the State Government its Order dated 17.07.2023 in Case No. 17/2021 on the said Dispute vide Memo No. 915 / L.T. dated 17.07.2023.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Governor is pleased hereby to publish the said Order as shown in the Annexure hereto.

ANNEXURE

(Attached herewith)

By order of the Governor,



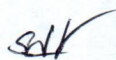
Assistant Secretary  
to the Government of West Bengal

No. Labr/ 642 /1(2)/(LC-IR)

Date : 26/07/2023

Copy forwarded for information to :

1. The Judge, Second Industrial Tribunal, N.S. Building, 3rd Floor, 1, K.S. Roy Road, Kolkata - 700001 with reference to his Memo No. 915 / L.T. dated 17.07.2023.
2. The Joint Labour Commissioner (Statistics), W.B., 6, Church Lane, Kolkata-700001.



Assistant Secretary

No. Labr/ 642 /2(6)/(LC-IR)

Date : 26/07/2023

Copy with a copy of the Order is forwarded for information &amp; necessary action to:

1. M/s Himalaya Wellness Company, C/o Sinha Coal Storage, Alampur, National Highway - 6, Near Indian Oil Petrol Pump. Howrah - 711302.
2. Shri Saptadip Kundu, S/o Shri Raj Kumar Kundu, Raj Mahal Road, Maheshmati, P.S.- English Bazar, Dist.- Malda, Pin - 732101.
3. The O.S.D. & E.O. Labour Commissioner, W.B., New Secretariat Building (11<sup>th</sup> Floor), 1, Kiran Sankar Roy Road, Kolkata – 700001.
4. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.
5. Office Copy.



Assistant Secretary



**Case No. 17/2021**

Saptadip Kundu .....Workman

-Vs.-

M/S Himalaya Wellness Company.....Opposite Party/ Company

**Under Section 2A(2) of The Industrial Disputes Act, 1947.**

Order No.20 dated:17.07.2023

The Ld. Lawyer of the O.P. Company appears today.

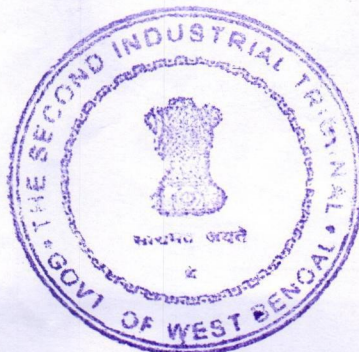
The Petitioner is absent but his Ld. Lawyer is present.

Today is fixed for filing amendment petition by the petitioner.

The Ld. Lawyer for the petitioner submits that the petitioner is not interested to proceed further with this case and for this reason the Ld. Lawyer will not take any steps today and prayed for necessary order.

Heard both sides and perused the record.

On perusing the record I find that on 01.12.2021 the petitioner Sri Saptadip Kundu, son of Sri Raj Kumar Kundu, Raj Mahal Road, Maheshmati, P.S. English Bazar, Distt.- Malda, Pin-732101 has filed the Case No.17/2021 Under Section 2A(2) of the Industrial Disputes Act, 1947 against The M/S Himalaya Wellness Company, C/O. Sinha Coal Storage, Alampur, National Highway-6, Near Indian Oil Petrol Pump, Howrah-711302 praying for reinstatement of his service in the opposite party company by setting aside the order of illegal retrenchment and full back wages alongwith other consequential service benefits, and then the O.P. Company appeared in this case and filed written statement and then the case was pending for a long time for filing the amendment petition by the petitioner as per his prayer and today also the date was fixed for filing the said amendment petition but today the Ld. Lawyer for the petitioner submits that he has no instruction from his client and he prayed for necessary order.





So the above circumstances clearly prove that though the Petitioner has filed this case in 2021, he has not been appearing for further proceedings of this case. On the contrary, the O.P. Company has been attending the Tribunal for contesting this case.

As the Petitioner is not interested to proceed with this case further and he has not been attending this Tribunal as per submission of his lawyer, I hold that there is no legal necessity to proceed with this case.

Hence, it is

**ORDERED**

that the Case No.17/2021 Under Section 2A(2) of The Industrial Disputes Act 1947 is dismissed for default against the O.P. Company without cost as the industrial dispute is no longer in existence.

Let this judgement and order be treated as an Award.

According to Section 17AA of The Industrial Disputes Act, 1947, let a certified copy of this award be sent to the Principal Secretary to the Government of West Bengal, Labour Department, New Secretariat Buildings, 1, K.S. Roy Road, Kolkata 700 001 for information, and let a certified copy of this award be supplied to each of both the parties of this case, free of cost, forthwith for information.

The case is disposed of today.

Dictated & corrected by me.

Judge  
**Judge**  
**2nd Industrial Tribunal**  
**West Bengal**

(P.S. Mukhopadhyay)  
Judge  
2nd Industrial Tribunal  
Kolkata

**Judge**  
**2nd Industrial Tribunal**  
**West Bengal**

